



protection as set forth in KRS 61.878(1)(c) and should not be placed in the public record for an indefinite period of time, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. Movant's petition for confidential protection is hereby granted.
2. The materials contained in Movant's responses to comments filed by the AG and Sierra Club meet the criteria for confidential protection as set forth in KRS 61.878(1)(c) and are hereby granted confidential protection. The materials granted confidential protection will not be placed in the public record or made available for public inspection for an indefinite period of time, or upon further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Movant shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission



ATTEST:

  
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